CHIEF SECRETARIAT

(General Administration Department)

Notification

No. GAD 158 INS 69. dated 28th November 1970.

S/Shri S. Shankaranarayana, V. N. Pawar, M. C. Puttiah, R. S. R. Chitguppi, T M. Rama Murthy and J. V. Srinivasaiah filed respectively, Writ Petitions Nos. 1274/69, 289/68, 717/69, 930/68, 3284/68 and 1497/69 praying for quashing the Notification No. GAD 55 INS 67 dated 21st November 1967 publishing the final Inter State Seniority List of Non-Gazetted Officers of the subordinate Civil and Criminal Courts of the Judicial Department. The High Court by its Judgment dated 17th August 1970 and 18th August 1970 (copies enclosed at Annexures I to VI), applying the ruling in the case Union of India *VS.* P.K. Roy and others (A. I. R. 1968 S.C. 850) has directed the Union of India to reconsider the petitioner's cases and allot them proper places in the final Inter State Seniority List after giving the petitioners and the persons as are likely to be affected an opportunity of making of their representations.

It is, therefore, notified for the information of all the concerned officials that representations (in six sets) in terms of the direction of the High Court may be submitted within 15 days from the date of publication of this Notification in the Gazette, addressed to the Secretary to the Government of India, Department of personnel, Cabinet Secretariat North Block. New Delhi, through the Chief Secretary to Government of Mysore, General Administration Department (Integration), Vidhana Soudha, Bangalore-1 and through the Registrar, High Court of Mysore, Bangalore.

By Order and in the name of the Governor of Mysore,

B. P. PATIL,
Deputy Secretary to Government,
General Administration Department.
(Integration).

ANNEXUR I

(3235/31-8-70)

IN THE HIGH COURT OF MYSORE AT BANGALORE

Dated the 17th day of August 1970.

Present:

THE HON'BLE Mr. JUSTICE G. K. Govind Bhat,

AND

THE HON'BLE Mr. JUSTICE B. Venkataswami,

WRIT PETITION No. 1274 of 1969.

S. Shankara Narayana,
aged 52 years,
son of Suryanarayana,
Head Munshi,
District Court Mandya. ... *Petitioner*

(BY SHRI B. RAMACHANDRA RAO)

Vs.

1. The Union of India,
by its Secretary,
Ministry of Home Affairs,
New Delhi.

2. The State of Mysore,
by its Chief Secretary,
Vidhana Soudha, Bangalore.

3. The Registrar,
High Court of Mysore,
Bangalore.

4. H. G. Lakshminarayana,
Head Munshi
District Court,
Chikkamagalur.

5. K. Subbannachar,
Head Munshi,
District Court, Ballary

6. S. D. Viswanatha Rao,
Head Munshi,
District Court,
Chitradurga,

7. M. C. Puttaiah,
Head Munshi, (H R C.)
Appeal side) District, Court,
Bangalore. ... *Respondents*

8 J. V. Srinivasaiah,
Head Munshi,
District Court,
Mysore. ... *Respondent*

(By Sri B. S. Keshava Iyengar, Central Government Pleader for Respondent No. 1, Sri K S. Puttaswamy, High Court Government Pleader for Respondents 2 and 3, Sri J. A. Sequeira for Respondent No. 4 Sri S. Rajendra Babu for Respondent No. 7)

Writ Petition under Article 226 of the Constitution of India with affidavit praying that in the circumstances stated therein this Court may be pleased to quash the Notification No. GAD 55 INS 67, dated 21st November, 1967 and etc.

This writ pentition coming on for hearing this day, Govinda Bhat, J. made the following :

ORDER

This writ petition preferred by allottee from the *Ex-Mysore State* is directed against the final Inter-State Seniority List of the Non-Gazetted Officers of the subordinate civil and criminal courts of the Judicial Department in the State of Mysore as on 1st November 1956 published in the *Myosre Gazette* dated 14th December 1967. The petitioner was a First Division Clerk on 1st November 1956. In the Provisional Inter-State Seniority List published in 1964 petitioner's ranking was at Serial No. 86 in the List of First Division Clerks, but, in the final Inter-State Seniority List his ranking has been reduced to serial No. 125 That has been done without affording an opportunity to the petitioner to have his say in the matter. That is clearly in violation of the rules of natural justice as laid down in UNION OF INDIA *Vs* P. K ROY & OTHER (*). Therfore the impugned final Inter-State Seniority List so far as the Petition is concerned cannot be sustained. We accordingly issue a writ quashing the ranking assigned to the Petitioner and direct the Union Government to reconsider the Petitioner's

case and allot to him a proper place in the final Inter-State Seniority List after giving the Petitioner and the persons as are likely to be affected an opportunity of making their representations. Time six months. No costs.

G. K. Govinda Bhat,
Judge.

B. Venkataswamy,
Judge.

ANNEXURE II

IN THE HIGH COURT OF MYSORE AT BANGALORE

Dated the 17th day of August, 1970.

Present

The Hon'ble Mr. Justice G. K. Govinda Bhat.

and

The Hon'ble Mr. Justice B. Venkataswami.

WRIT PETITION No. 289 OF 1968.

Vasant Nanasaheb Power, 51 yrs.,
Nazir, District Court, Belgaum. ... Petitioner

(By Shri. H. B. Datar)

— Vs —

1. The Union of India, by the Secretary, Ministry of Home Affairs, New Delhi.
2. The State of Mysore, by-its Chief Secretary, Vidhana Soudha, Bangalore.
3. The Registrar, High Court of Mysore, Bangalore.
4. Waliuddin, Record Keeper, District & Sessions Court, Gulbarga.
5. Ramakrishnacharya, Record Keeper, District and Sessions Court, Raichur.
6. B. N. Ramachandra, Sheristedar, Subordinate Judge's Court, Mysore.
7. C. A. Subramanyam Pillai, Sheristedar, Subordinate Judge's Court, Bangalore.
8. N. B Chandrasekhara Charya, Addl. Subordinate Judge's Court, Mysore.
9. S. Narayana Rao, Sheristedar, Small Cause Court, Bangalore.
10. S. M. Ghouse Peer, Sheristedar, Subordinate Judge's Court, Civil Station, Bangalore.
11. Sreenivasacharya, Record Keeper, R. R. Court, Bidar.
12. Sreenivasa Rao, Record Keeper, Dist. Court, Bidar.
13. M. Shivaram, Central Nazir, District Court, S. K., Mangalore.
14. M. Venkatesh, Malya, Head Clerk, Dist. Munsiff's Court, Bangalore.
15. K. Abdul Kareem, Head Clerk, Dist. Munsiff's Court, Kundapur.
16. Mohamed Khatal, Sheristedar, M. M. Court, Yadgir.
17. S. R. Nanjundamurthy, Head Munshi, Munsiff's Court, Civil Station, Bangalore.
18. G. Laksbmaiah, Head Munshi, Munsiff's Court, Tumkur.
19. Shaik Ali, Sheristedar, M.M Court, Raichur.
20. Tahir Ali. Sheristedar, Kushtagi, Raichur District.
21. K. Raghunath Shetty, Head Clerk, District Munsiff's Court, Karkal.
22. K. M. Yakub Saheb. Head Clerk, District Munsiff's Court, Puttur.
23. H. Shamraya Shetty, Head Clerk, District Munsiff's Court, Udipi.
24. L. V. Govind Shetty. H.C., District Munsiff's Court, Chikaballapur.
25. B. T. Srinivas Iyengar, do do Mysore.
26. Mohamed Hussain. Sheristedar, M M. Court, Sindhnoor.
27. Ahmed Sheriff, do Lingapur, Raichur District.
28. M A. Azeez Siddique, do M.M Court, Deodurg, Raichur District.
29. Mohamed Akbar, do do Gangavathi.
30. Sheik Ahmad, do do Yelburga.
31. P. V. Gurumurthy, H. M., Munsiff's Court, Holenarasipur.
32. H. Basappa, H. M., do Kolar.
33. Kishtappa, Sheristedar, do Bidar
34. P. R. Jagannathan, H. M., I Munsiff's Court, Bangalore.
35. Eqbaluddin, Sheristedar, M. M. Court, Humnabad.
36. G. Siddalingaiah, H M, Munsiff Court, N. R. Pura.
37. T. Siddappa, Head Munshi, II Munsiff's Court, Bangalore.
38. P. Channaraju, H. M., Munsiff's Court, Chikmagalur.
39. H. Annaji Roa, H. M. do Bhadravati.
40. V. Thimmaiah. Head Munshi, do K.G.F.
41. K. B Laxman Rao. Head Munshi, Munsiff's Court, Hunsur.
42. Venkatesh Rao, Sheristedar, M.M. Court, Gulbarga.
43. Purushottam Rao. Sheristedar, M.M. Court, Aland, Gulbarga District.
44. K. Krishnaraja Pillay, H.M., II Munsiff's Court, Mysore.
45. C. N. Naranappa, H.M., Munsiff's Court, Srirangapatna
46. K, M. Malleshiah, H.M, do Madhugiri
47. A. E. Amanna, H.M., do Mercara
48. K. Shama Shetty, H.M., do Sagar
49. P. Thirumalachar. H.M., do Nanjangud
50. B. Seshachar, H.M. do Ramanagaram
51. H. R. Manjaiah ,, do Mandya
52. H. R. Madhava Rao, H.M., do Shimoga
53. S. Abdul Hakh. ,, do Tarikere
54. B. R. Sundara Roj H.M., do Hassan
55. P. Y. Lakshmipathy, ,, do Doddaballapur
56. H N. Veerabhadraiah. H.M. do Tiptur
57. K. M. Machaih, H.M., do Virajpet
58. Venkat Rao, Sheristedar, M.M. Court, Bhalki

59 Adappa, do do Chincholi
60 C. P. Rajagopal, I Dn. Clerk, Dist. Court, Bangalore
61 S. B. Nagakumariah, 1st Dn. Clerk, Dist. Court, Shimoga
62 V. Seshadri, do do Bangalore
63 P. Babu Rao, Upper Division Clerk, Sub-Court, Mangalore.
64 B. Mahabala. Translator, Dist, Court, Mangalore.
65 B. A. Gani, Head Clerk, I Class Magt. Court. Civil Station, Bangalore.
66 P. Venkatachalapathy, I Dn. Clerk, Civil Judge's Court, Mandya.
67 K. Parameshwara Holla, Sr. Superintendent of Copyists, District Court, Mangalore.
68 M. Laxminaravan Rao, I Dn. Clerk, District Court, Shimoga
69 M. S. Narasimha Iyengar, I Dn. Clerk, District Court, Civil Station, Bangalore.
70 R. Channiah, H. C, II Magt. Court. Mandya.
71 K. Narasimhachar. I Dn. Clerk, District Court, Civil Station, Bangalore.
72 H. Umanatha Rao, I Dn. Clerk, I Class Magistrate's Court, Sagar.
73 Y. A. Lanbal
74 M. S Subbarayappa, I Dn. Clerk, District Court, Bangalore.
75 T. Kalappa, I Dn. Clerk, District Court, Shimoga.
76 V. Krishna Sastry, Translator, District Judge's Court, Bellary.
77 L. Mascarenhas, Head Clerk, Sub-Court, Mangalore.

RESPONDENTS

(By Shri B. S. Keshava Iyengar, Central Govt. Pleader for R-1; Shri K. S. Puttaswamy, High Court Government Pleader for R-2 and 3)

Writ Petition under Art. 226 of the Constitution of India with an affidavit praying that in the circumstances stated therein this Court may be pleased to quash the Notification No GAD 55 INS 67 dated 21st Novembee 1967 published in the *Mysore Gazette* dated 14th December 1967 etc.

This Writ Petition coming on for hearing this day, Govindabhat, J. Made the following:

ORDER

This writ petition is directed against the final Inter State Seniority List dated 21st November 1967 marked as Exhibit D of the Non-Gazetted officers of the subordinate Civil and Criminal Courts of the Judicial Department in the State of Mysore as on 1st November 1956. In the said list petitioner Sri V. N. Powar is Serial No. 48 in Category No. VI. The Petitioner's post has been equated to that of first division clerk. In the Provisional Inter-State Seniority List published in the Mysore Gazette dated 7th September 1964, the post of the Petitioner has been equated with that of Head Munshis of Munsiffs Courts and put in Category No. V. Respondents 4 to 77 occupied lower rankings in the provisional Inter-State Seniority List and the Petitioner was ranked higher. The grievance of the Petitioner is that he has been 'kicked down' in the final Inter-State Seniority List without affording him an opportunity of being heard. His fvther contention is that the equation of his post as was done in the provisional Inter-State Seniority List published in 1958 ought to have been maintained and if the correct principles governing the equation had been followed the same would not have been disturbed. The Petitioner is entitled to succeed in this writ petition on the first ground. In the second provisional Inter-State Seniority List, the post of the petitioner had been equated with that of Head Munshis of Munsiffs Courts in Category No. V but in the final Inter-State Seniority List, he has been brought down to category No. VI and equated with the post of First Division Clerks. That was done without notice to the petitioner and considering his representations. Such an action is clearly opposed to the principles of natural justice as laid down by the Supreme Court in UNION OF INDIA Vs P. K. ROY & OTHERS (1). It is unnecessary for us to express any opinion whether the principles governing the equation of posts has been violated or not since the petitioners ranking has been adversely affected without notice to him We therefore, applying the said decision of the Supreme Court, issue a writ quashing the ranks assigned to the petitioner and respondents 4 to 77 and direct the Union Government to reconsider their case and to allot them proper places in the final Inter State Seniority List after giving the petitioner and the said respondents and such other persons as are likely to be affected an opportunity of making representations. Consequently the equation of the Petitioner's post under Category No. VI is also quashed. Time six months. No. costs.

G. K. GOVINDABHAT,
Judge.

B. VENKATASWAMI,
Judge.

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ANNEXURE III

IN THE HIGH COURT OF MYSORE AT BANGALORE

Dated the 17th day of August 1970.

Present

The Hon'ble Mr. Justice G. K. Govinda Bhat

and

The Hon'ble Mr. Justice B. Venkataswamy

Writ Petition No 717/1967

M. C. Puttaiah.
Head Munshi (H.R.A.)
District & Sessions Court,
Bangalore. ... *Petitioner*

(By Sri S. Rajendra Babu)

Vs

1 The Union of India,
by the Secretary,
Ministry of Home Affairs,
New Delhi.
2 The State of Mysore,
by its Chief Secretary,
Vidhana Soudha, Bangalore-1
3 The High Court of Mysore,
by its Registrar.
High Court Buildings,
Bangalore-1.

4 H. G. Lakshminarayana,
Head Munshi,
District & Sessions Court,
Chikmagalur.

5 K. Subbannachar,
Head Munshi, District &
Sessions Court, Bellary.

6 S. D. Viswanatha Rao,
Head Munshi, District and
Sessions Court, Chitradurga ... *Respondents*

(By Sri B. S. Keshava Iyengar, Central Govt., Pleader for Respondent No. 1. Sri K. S. Puttaswamy, High Court Government Pleader for Respondents 2 and 3, Sri J. A. Sequeira for R-4. Sri R. Chandrashekharan for R-6 -Respondent No. 5 unrepresented)

Writ Petition under Article 226 of the Constitution of India with an affidavit praying that in circumstances stated therein this Court may be pleased to quash the Notification No. GAD 55 INS 67 dated 21st November, 1967 published in the *Mysore Gazette* dated 14th December 1967 to the extent of placing the Petitioner above the respondents 4 to 6 and etc.

This Writ Petition coming on for hearing this day, GOVINDA BHAT, J. made the following:

ORDER

This writ Petition preferred by at allottee from the *Ex-Mysore State* is directed against the final Inter State Seniority List of non-Gazetted officers of the subordinate Civil and Criminal Course of the Judicial Department in the State of Mysore as on 1st November 1956 published in *Mysore Gazette* dated 14th December 1967. On 1st November 1956 the Petitioner was a first Division Clerk in the Judicial Department of the New State of Mysore. The Petitioner has no grievan coregarding the equation of his post. In the provisional Inter-State Seniority list published in 1964, the Petitioner's ranking was at Serial No. 87. In the Final Inter-State Seniority List impugned in this writ Petitioner the Petitioner has been 'kicked down' to Serial No 123. The Petitioner's ranking has been Pushed down without affording an opportunity to him to have his say. The action of the Central Goverment therefore is clearly in violation of the rules natural justice as laid down in UNION OF INDIA *VS.* P. K. ROY & OTHERS. (*) Therefore the final Inter State Seniority List in so far as it concerns the ranking of Petitioner is concerned cannot be sustained. We accordingly issue a writ quashing the rank assigned to the Petitioner in the final Inter-State Seniority List and direct the Union Government to reconsider his case and allot to him his proper place in the said list after giving the petitioner and the persons that are likely to be affected an opportunity of making their representations. Time six months. No costs.

G. K. GOVINDA BHAT,
Judge.

B. VENKATASAMI,
Judge.

ANNEXURE IV

IN THE HIGH COURT OF MYSORE AT BANGALORE

Dated the 18th day of August 1970

Present

The Hon'ble Mr. Justice G. K. Govinda Bhat

and

The Hon'ble Mr. Justice B. Venkataswami

WRIT PETITION No. 930 of 1968

1 Ramarao Swami Rao Chitguppi, Age 53,
Clerk of the Court, *Cum* Nazir, Civil Judge's Court, Dharwar.

2 Narayan Bhimappa Saswihalli, Age 52,
Clerk of the Court *Cum* Nazir, Munsiff and Judicial Magistrate-First Class Court, Navalgund, Dharwar.

3 Basanagouda Shivanagouda Patil, Age 54,
Head Clerk, District Court, Dharwar.

PETITIONERS

(By SRI R. U. GOULEY)

Versus

1 The Union of India, by the Secretary, Ministry of Home Affairs, New Delhi.

2 The State of Mysore, by the Chief Secretary, Vidhana Soudha, Bangalore-1.

3 The Registrar, High Court of Mysore, Bangalore.

4 P. Ramachandra Rao, Head Clerk, District and Sessions Court, Bellary, Age 42 years.

5 S. D. Vishwanath Rao, Nazir, District Court, Gulbarga, Age 52 years.

6 Bindu Rao, Nazir, District Court, Bidar. 45 years.

7 Ramakrishnachary, Record Keeper, District and Sessions Court, Raichur, 53 years.

8 B. M. Ramachandra
9 S. Narayana Rao
10 S. M. Ghouse Peer } Deleted

11 Sreenivasacharya, 43 years, Record Keeper, R. R. Court, Bidar.

12 Sreenivasa Rao, 46 years, rest

13 K. Raghunatha Setty ... Deleted

14 K. M Yakub Saheb, 39 years, Head Clerk, District Munsiffs Court, Puttur. ... Respondents.

15. H. Shamaraya Shetty, 40 years, Head Clerk, District Munsiff's Court, Udipi.

16. M. A. Azeez Siddiqui, 45 years, Sheristedar, M. M. Court, Deodurg, Raichur District.

17. Kishtappa, 40years, Sheristedar, M.M. Court, Bidar.

18. P. R. Jagannathan, 40 years, Head Munshi, I Munsiff's Court, Bangalore.

19. Eqbaluddin, 39 years, Sheristedar, M. M. Court, Humnabad.

20. V. Thimmaiah, 54 years, Head Munshi, Munsiff's Court, K G.F.

21. K. B. Laxman Rao, 50 years, -do-
Munsiff's Court, Hunsur.

22. Venkatesh Rao, 51 years, Sheristedar, -do-
Munsiff's Court, Gulbarga.

23. Purushottam Rao, 37 years. -do- M.M. Court. Aland Gulbarga Dist.
24. K. Krishnaraja Pillay. Deleted
25. C. N. Naranappa. 53 years, Head Munshi, Munsiff's Court, Srirangapatna.
26. K M. Malleshaiah. 53 years, Head Munshi, Munsiff's Court, Madhugiri.
27. A. E. Amanna, 44 years, Head Munshi, Munsiff's Court, Mercara.
28. K. Shama Setty. 41 years, Head Munshi, Munsiff's Court, Sagar.
29. P. Thirumalachar, 53 years, Head Munshi, Munsiff's Court, Nanjangud.
30. B. Seshachar, 51 years, -do- Munsiff's Court, Ramanagaram.
31. H. R. Manjaiah, 50 years, -do- Munsiff's Court, Mandya.
32. B. R. Sundara Raj, 49 years, -do- Munsiff's Court, Hassan.
33. P. Y. Lakshmipathy, 45 years, -do- Munsiff's Court, Doddaballapur.
34. Venkat Rao, 47 years, Sheristedar, M. M. Court, Bhalki.
35. Adappa, 48 years, -do- Chincholi.
36. K. Parameshwara Holla, 52 years, Sr. Superintendent of Copyists. Dist. Court, Mangalore.
37. T. R. Aswathanarayana Rao, 49 years, I Dn. Clerk, District Court, Mysore.
38. K. Channappa.....Deleted.
39. B. Vishnamurthi Adiga. 47 years, Dy. Nazir, Dist. Munsiff's Court, Kundapur.
40. T Chidambaram Pillai, 53 years, Dy. Nazir, Dist. Judge's Court, Bellary.
41. B. Krishna Nayak 43 years, Dy. Nazir Dist. Munsiff's Court, Karkal.
42 M. Narayanappaiaya Swamy, 49 years. Upper Dn. Bench Clerk, Dist. Mangalore.
43. S. Shankaranarayana, 54, years Deleted
44. N. R. Narayanaswamy, 45 years, I Dn. Clerk, Dist. Court, Bangalore.
45. K. Kamanna Deleted.
46. Madhava Rao, 89 years, Translator, Dist. & Sessions Court, Gulbarga.
47. R. Rama Shastry, 53 years, Dy. Nazir, Munsiff's Court. Hospet.
48. H. S. Kedlaya Deleted.
49. B.V. Krishnamurthy, 53 years, I Dn. Clerk, Special I Class Magistrates, Court, Shimoga.
50. Waman Wao, 38 years Translator, Dist. & Sessions Court, Raichur.
51. Vincent Fernandez, 48 years, I Dn. Clerk, Dist. Magistrate's Court, Mangalore.
52. K. Sreenivasa Sherigara, 39 years, Offg. Head Clerk (U D C) Sub -Divl, Magistrate's Court, Puttur.
53. W. Vasudeva Rao, Deleted.
54. K. Krishnamurthy Rao, 51 years, I Dn. Clerk, Dist. Court, Bellary.
55. M. Laxman Naik. 32 years, Translator, Dist. Court, Bidar.
56. N. Venkatanarayana, 53 years, I Dn. Clerk, Dist. Court, Mysore
57. C. P. Purnabhadra Pandit Deleted
58. N. K. Gopal. 53 years, I Dn. Clerk, Civil Judge's Court, Bangalore.
59, D. R. Masur. 42 years, I Dn. Clerk, Dist. Court, Bangalore.
60, Shankar Rao, 40 years. I Dn. Clerk, Dist Court, Gulbarga
61, K. S, Ramaiah. 53 years, I Dn Clerk Civil. Judge's Court, Hassan.
62, R. Mohad. Ibrahim. 48 years, I Dn. Clerk. Special I Class Magt. Court, Ramanagarm.

Respts. Nos. 8, 9, 10, 13. 24. 38, 48, 53. & 57 are deleted *vide* Court Order.

(Shri B. S Keshava Iyengar, Central Govt. Pleader for R-1

Shri K. S. Puttaswamy, High Court Govt. Pleader for R. 2 & 3

Shri D. Kapanipathi Rao for Respt.59)

Writ Petition under Article 226 of the Constitution of India with an affidavit praying that in the circumstances stated therein this court may be pleased to quash the Notification No. GAD 55 INS 67, dated 21st November 1967 published in the *Mysore Gazette* dated 14th December 1967 and etc,

This writ petition coming on for hearing this day, GOVINDA BHAT. J. made the following :

ORDER

This writ petition preferred by three allottees from the former State of Bombay is directed against the final Inter-State Seniority List of the Non-Gazetted Officers of the subordinate civil and criminal courts of the Judicial Department in the State of Mysore as on 1st November 1956, published in the *Mysore Gazette* dated 14th December 1967. On 31st October 1956, the 1st Petitioner was a Clerk of the Court, 2nd Petitioner was a Head Clerk and the 3rd Petitioner was a Clerk of the Court-*cum*-Nazir. In the provisional Inter-State Seniority List of Non-Gazetted Officers of the Subordinate Civil and Criminal Courts of the Judicial Department in the State of Mysore as on the 1st of November 1956 published in the *Mysore Gazette* dated 17th September 1964, the 1st petitioner was shown under Category No.V and his ranking was at Serial No.25, Petitioners 2 and 3 were shown under Category No VI and their ranking was at Serial Nos. 63 and 81 respectively In the Final Inter-State Seniority List, the 1st Petitioner was brought down from Category No.V to Category No VI and he was shown at Serial No 23; Petitioners 2 and 3 who were at Serial Nos. 63 and 81 respectively in the provisional Inter State Seniority List were ranked at Serial Nos.97 and 114 respectively in the final Inter-State Seniority List It is stated that respondents 4 to 62 were the petitioners in the provisional Inter-State Seniority List, but in the final Inter-State Senioritp List, they have been ranked above the Petitioners. The allegations made on behalf of the petitioners are not disputed by respondents 4 to 62. The equation of petitioner No. 1 and the rankings of petitioners Nos 2 and 3 have been revised in the final Inter State Seniority list prejudicially to the Petitioners without giving them an oppartvnity of being

heard before making such a list. The final Inter-State Seniority list so far as the petitioners are concerned, has been made in clear violation of the rules of natural justice as laid down by the Supreme Court in UNION OF INDIA & ANOTHER V P K. ROY AND OTHERS (1). Applying the decision of thes Court in N Subba Rao V UNION OF INDIA & OTHERS(2), weissueawritquashing theequation and rank assigned to the 1 st Petitioner and the ranks assigned to Petitioers 2 and 3 and respondents 4 62. and direct ehe Union of India (respondent No.1) to consider their case and allot them proper place in the final Inter State Seniority list after giving the petitioners and respon dents 4 to 62 and such other persons as are likely to be affected, on opportunity of making their representations. Time six months.

The learned counsel for the petitioners submits tha they are aggrieved by the equation so far as petitioners 2 and 3 are concerned made in the provisional Inter State Seniority list. In the representations which they have to make hereafter, it is open to them to urge their content isons regarding their equations also.

No costs.

G.K. GOVINDA BHAT,
Judge.

B. VENKATASWAMI,
Judge.

ANNEXURE V

(3239/31-8-1970)

IN THE HIGH COURT OF MYSORE AT BANGALORE

Dated the 17th day of August 1970

Present

The Hon'ble Mr. Justice G. K. Govinda Bhat

and

The Hon'ble Mr. Justice B. Vankataswamy

WRIT PETITION No. 3284 of 1968

T. M. Rama Murthy, (47 years)
s/o Shri T. M. Guru Rao,
Head Munshi,
Second Munsiff & First
Class Magistrate's Court,
Mysore-5 PETITIONER.

(By Sri B. Ramachandra Rao)

-Vs-

1 The Union of India,
by its Secretary,
Ministry of Home Affairs,
New Delhi.

2 The State of Mysore,
by its Chief Secretary,
Government of Mysore,
Vidhana Soudha, Bangalore.

3 The Chief Justice,) DELETED
High Court of Mysore,) 24-9-1968
Bangalore.

4 The Registrar,
High Court of Mysore,
Bangalore.

5 K. Subbannachar (aged about 43 years)
Sheristedar,
Second Additional Civil
Judge's Court, Mysore-5.

6 S. D. Viswanatha Rao (aged about 43 years),
Head Munshi,
Independent Land Tribunal,
Hassan. RESPONDENTS.

7 N. Venkateshaiah (aged about 48 years),
Head Munshi,
Munsiff's Court
Doddaballapur. RESPONDENTS.

(By Sri B. S. Keshava Iyengar, Central Govt.

Pleader for Respondent No. 1,
Sri K. S. Puttaswamy, High Court Govt.
Pleader for Respondents 2 and 3 and
Sri R. Chandrashekaran for Respdt. 5
-other respondents are not represented).

With Petition under Article 226 of the Constitution of India with an affidavit praying that in the Circumstances stated therein this Court may be pleased to quash the Notification No. GAD 55 INS 67 dated 21st November 1967 published in the *Mysore Gazette* dated 14-12-1967 and etc.

This writ petition coming on for hearing this day, GOVINDA BHAT, J. made the following :

ORDER

This Writ petition preferred by an allottee from the *Ex*-Mysore State is directed against the final Inter-State Seniority List of Non-Gazetted Officers of the Civil and Criminal Court of the Judicial Department in the State of Mysore as on 1-11-1956. On 1-11-1956 the petitioner was a first Division Clerk in the Judicial Department of the New State of Mysore. In the provisional Inter-State Seniority List published in 1964 petitioner's ranking was at serial No. 91 in the list of first Division Clerks, but, in the final Inter-State Seniority List his ranking has been reduced to serial No. 128. That has been done without affording an opportunity to the petitioner to have his say in the matter. That is clearly in violation of the rules of natural justice as laid down in UNION OF INDIA *Vs.* P. K. ROY AND OTHERS. Therefore the impugned final Inter-State Seniority Lsit so far as the petitioner is concerned cannot be sustained. We accordingly issue a writ quashing the ranking assigned to the petitioner and direct the Union Government to reconsider the petitioner's case and allot to him a proper place in the final Inter-State Seniority List after giving the petitioner and the persons as are likely to be affected an opportunity of making their representations. Time six months. No costs.

G. K. Govinda Bhat,
Judge

B. Venkataswami,
Judge

ANNEXURE VI

IN THE HIGH COURT OF MYSORE AT BANGALORE

Dated the 17th day of August 1976.

Present

THE HON'BLE Mr. JUSTICE G. K. GOVINDA BHAT

AND

THE HON'BLE Mr. JUSTICE B. VENKATASWAMY

WRIT PETITION No. 1497 of 1969.

J. V. SRINIVASAIAH,
Head Munshi,
District & Sessions Court,
Tumkur *Petitioner*

(By Sri M. S. Satyanarayana Murthy)

-Vs-

1 The Union of India,
by its Secretary,
Ministry of Home Affairs,
New Delhi.

2 The State of Mysore,
by its Chief Secretary,
Vidhana Soudha, Bangalore-1

3 The High Court of Mysore,
by its Registrar,
High Court Buildings,
Bangalore-1.

4 H. G. Lakshminarayana,
Head Munshi, District and
Sessions Court, Chikmagalur.

5 K. Subbannachar,
Hea Munshi, District
and Sessions Court,
Bellary.

6 S. D. Viswanatha Rao,
Head Munshi, District
and Sessions Court,
Chitradurga. *Respondents*

(By Sri B. S. Keshava Iyengar, Central Govt., Pleader for Respondent No. 1, Sri K. S. Puttaswamy, High Court Govt. Pleader for Respondents 2 and 3; and Sri T. A. Sequeira for Respondent No. 4)

Writ Petition under Article 226 of the Constitution of India with an affidavit praying that in the circumstances stated therein this court may be pleased to quash the Notification No. GAD 55 INS 67, dated 21st November 1967 published in the *Mysore Gazette* dated 14-12-1967, and etc.

This Writ Petition coming on for hearing this day, GOVINDA BHAT, J. made the following :

ORDER

This writ petition preferred by an allottee from the Ex Mysore State is directed against the final Inter-State Seniority List of the Non-Gazetted Officers of the subordinate Civil and Criminal Courts of the Judicial Department in the State of Mysore as on 1-11-1956 published in the *Mysore Gazette* dated 14-12-1967. The petitioner was a first Division clerk on 1-11-1956. In the provisional Inter State Seniority List published in 1964 the petitioner's ranking was at serial No. 88 in the list of first Division Clerks, but in the final Inter-State Seniority list has ranking has been reduced to serial No. 134. That has been done without affording an opportunity to the petitioner to have his say in the matter. That is clearly in violation of the rules of natural justice as laid down in UNION OF INDIA *Vs.* P. K. ROY AND OTHERS. Therefore the impugned final Inter-State Seniority List so far as the petitioner is concerned cannot be sustained. We accordingly issue a Writ quashing the ranking assigned to the petitioner and direct the Union Government to reconsider the petitioner's case and allot to him a proper place in the final Inter-State Seniority List after giving the petitioner and the others as are likely to be affected an opportunity of making their representations. Time six months. No costs.

G. K. Govinda Bhat,
Judge.

B. Venkataswami,
Judge.

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